UNITED
NATIONS

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United Nations Conference on Trade and Development

Distr.
GENERAL

TD/B/39(1)/9
28 September 1992

Original: ENGLISH

TRADE AND DEVELOPMENT BOARD
Thirty-ninth session
First part
Geneva, 28 September 1992
Agenda item 1(b)

AGENDA 1/

1. Procedural matters:

   (a) Election of officers;

   (b) Adoption of agenda and organization of the work of the session;

   (c) Adoption of the report on credentials;

   (d) Provisional agenda for the second part of the thirty-ninth regular session of the Board

2. Follow-up to the recommendations adopted by the Conferece at its eighth session

3. International implications of macro-economic policies and issues concerning interdependence: the recent evolution of development problems and prospects

4. Paths to development: performance, problems and reform of public enterprises

5. Sustainable development including UNCTAD's contribution to the implementation of UNCED's conclusions and recommendations

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1/ Adopted by the Board at its 807th meeting on 28 September 1992.

6. Trade policies, structural adjustment and economic reform: issues relating to national transparent mechanisms in the context of the fight against protectionism

7. Review of progress in the implementation of the Programme of Action for the Least Developed Countries for the 1990s

8. UNCTAD's contribution to the implementation of the United Nations New Agenda for the Development of Africa in the 1990s

9. Report of the Secretary-General on assistance to the Palestinian people in the light of the Cartagena decision

10. Other matters in the field of trade and development:

    (a) Export promotion: report of the Joint Advisory Group on the International Trade Centre UNCTAD/GATT on its twenty-fifth session;

    (b) Progressive development of the law of international trade: twenty-fifth annual report of the United Nations Commission on International Trade Law

11. Other matters requiring action by the Board arising from or related to reports and activities of its subsidiary and other bodies:

    - Report of the Working Party on the Medium-term Plan and the Programme Budget on its twenty-first session (31 August-8 September 1992)

12. Institutional, organizational, administrative and related matters:

    (a) Treatment of new States members of UNCTAD for purposes of elections;

    (b) Membership of the Trade and Development Board;

    (c) Membership of the Working Party on the Medium-term Plan and the Programme Budget for 1993;

    (d) Designation of intergovernmental bodies for the purposes of rule 76 of the rules of procedure of the Board;

    (e) Designation and classification of non-governmental organizations for the purposes of rule 77 of the rules of procedure of the Board;

    (f) Review of the calendar of meetings;

    (g) Administrative and financial implications of the actions of the Board.

13. Board decision 398(XXXVIII): Establishment of an ad hoc working group to explore the issue of structural adjustment for the transition to disarmament

14. Other business

15. Adoption of the report of the Board.

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GENERAL

TD/B/39(1)/10
8 October 1992

Original: ENGLISH

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Geneva, 28 September 1992

COMMUNICATION TO THE TRADE AND DEVELOPMENT BOARD AT ITS THIRTY-NINTH SESSION, FIRST PART

Note by the secretariat

The attached communication is being circulated to members of the Trade and Development Board at the request of the Permanent Mission of Yugoslavia to the United Nations Office and Other International Organizations in Geneva.

GE.92-52453

POSITION OF YUGOSLAVIA IN REGARDS TO THE INTERPRETATION OF THE RESOLUTION OF THE UNITED NATIONS APPLIED TO THE 39TH SESSION OF THE UNCTAD TRADE AND DEVELOPMENT BOARD

(Geneva, 28 September to 14 October 1992)

Yugoslavia regrets the adoption of the United Nations General Assembly Resolution of 22 September 1992 which she considers is contrary among other to the principle of universality and the spirit of cooperation that are the very basis of the United Nations system. In our view the Resolution is legally unfounded, arbitrary and inspired by political considerations based on imbalanced and many unobjective assessments. As such it represents a dangerous precedent in the UN practice.

The denial of the Federal Republic of Yugoslavia to continuity of the legal personality of the SFR of Yugoslavia, including membership to international organizations, represents a violation of the established practice and principles adopted by the General Assembly, under which a state does not stop being a member simply because its borders and constitution have been changed. At no point in time did Yugoslavia cease to exist. Thus, the Resolution actually denies the sovereign right of peoples to preserve their own state and their international and legal existence in the case of secession of a part or parts of their country. Consequently, the Federal Republic of Yugoslavia in no way tried to obstruct the admission to the United Nations and

other International Organizations of the former Yugoslav republics.

The application of the Resolution risks to adversely affect the efforts to restore peace and economic, transport and other necessary links between the FR of Yugoslavia and the former Yugoslav republics. It should also be borne in mind that the precedent made by this Resolution in the decision-making process within the United Nations - that is the violation of legal norms and established practice - may also threaten in the future many other countries and the UN system itself.

As to the participation of Yugoslavia in the UNCTAD and at the 39th session of the Trade and Development Board, Yugoslavia recalls that the General Assembly Resolution adopted on 22 September 1992 affects only participation in the General Assembly and in no way should it have repercussions on participation in other bodies within the UN system.

We hope that a clear and proper interpretation of the General Assembly Resolution as well as its reconsideration before the end of the 47th session will enable Yugoslavia to continue to constructively contribute to the work of international organizations within the UN system.